



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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In Reply Refer To:  
3809  
U-77827  
(UT-023)

APR 18 2006

Certified Mail – 7005 1820 0000 9583 2484  
Return Receipt Requested

Mr. Jerome Bown  
Bown Stone Products, Inc.  
93 West 300 South  
Manti, UT 84642

Dear Mr. Bown:

On March 13, 2006, we received your Plan of Operations (Plan) for mining activities on the Golden Eagle #5 placer mining claim (UMC 353624) located in Section 3, T. 12 N., R. 17 W. Salt Lake Meridian.

As stated, your Plan of Operations for mining activities is for quartzite building stone. Quartzite is generally considered by the Bureau of Land Management (BLM) to be a common stone that is widely found throughout the United States and may be used for a variety of purposes that other common mineral materials are suitable for. It is our opinion that you may be proposing to mine common variety mineral materials (salable minerals) under the auspices of the mining law. As described at 43 CFR 3711.1(b), "common varieties" include deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts, do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. On July 23, 1955, Public Law 167 (69 Stat. 368; 30 U.S.C. 611) was passed to prohibit further location of common variety minerals. The Act stated:

*No deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders and no deposit of petrified wood shall be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws.*

We cannot approve your Plan until a mineral examination report has been prepared to determine whether or not the subject quartzite is locatable or salable. The examination will encompass mapping geology and mineralization in relation to mining claim boundaries, sampling discovery sites as well as any other sites that will quantify and qualify the deposit. All data collected will be used to conclude in a mineral validity examination report whether the quartzite is a common variety mineral or uncommon, and therefore locatable. In the event that the quartzite is determined to be common variety, a contest complaint will be issued.

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DIV. OF OIL, GAS & MINING



We request that you provide this office with any supporting information you may have including, but not limited to, production data, drillhole data (if available), mining cost information (including equipment, transportation and labor costs), marketing arrangements, sales receipts, sales contracts, a breakdown of products proposed to be sold and retail prices that would be received from any proposed sales for the quartzite, or any other information you may have regarding the character of the mineral deposit that you may provide for our use. Additional information may be requested at a later date.

We understand that much of the data we are requesting may be confidential. Any information you provide to BLM staff which you request to be kept confidential will be used and stored separately from other information collected and analyzed during this investigation. This information will only be made available to mineral examiners assigned to this case. The confidential information you supply is not available to other BLM staff nor is it available to the public through the Freedom of Information Act.

Until the mineral examination report has been completed, the BLM may give an interim authorization of the Plan for your proposed operations to remove possible common variety minerals if you establish an escrow account in a form acceptable to the BLM. You must make regular payments to the escrow account for the appraised value of possible common variety minerals removed under a payment schedule approved by the BLM. For your information, the current appraised value of common variety mineral materials similar to those you wish to produce is \$12.50 per ton. The funds in the escrow account would not be disbursed to you, or to the U.S. Treasury, until a final determination of whether or not the mineral is a common variety, and therefore salable under BLM's mineral material disposal regulations at 43 CFR 3600, has been made. If the mineral examination report concludes that the minerals are common variety minerals, you may either relinquish your mining claim or BLM will initiate contest proceedings. Upon relinquishment, or final departmental determination that the mining claim is null and void, you must promptly close and reclaim your operation unless you are authorized to proceed under mineral material disposal regulations at 43 CFR 3600.

Before we can accept the Plan you submitted as complete, you must provide the following additional information:

1. On your submitted map, you show a perimeter area approximately 40 acres in size, with a smaller internal area of unspecified acreage where you propose to excavate quartzite building stone, conduct reclamation and create a waste pile dump. You also show a separate area one acre in size where you propose to process the stone. In your Plan, you indicate that you are proposing to mine across the entire 40 acre site, in "a consistent flow as opposed to five acre segmented disturbances. This will allow continuous production. Five acre segment disturbances freeze operations while waiting for re-growth on previous disturbances. We will implement concurrent excavation/reclamation while staying within the five acre allowance." You state that you intend to disturb a total of 40 acres during the course of operations; however it is not clear from your submitted map, or your narrative, precisely where you intend to conduct your mining operations or how long you propose to conduct operations on the claim. You also state that you intend "to produce about 5,000 tons of material annually and will increase upon demand." Please provide a map which shows all of your proposed areas of surface disturbance through the life of your mine. This would include all access route(s) you propose to use during the course



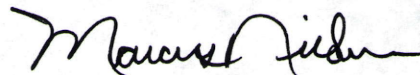
of operations, areas where you propose to extract building stone, all proposed areas where waste rock will be dumped, proposed vehicle storage areas, the location of your proposed steel storage container, other support facilities, etc.

2. During what periods of the year do you intend to operate?
3. In your Plan, you state that you understand that a reclamation bond will need to be provided as a part of your Plan approval. As described at 43 CFR 3809.401(5)(d), you are required to submit an estimate of the cost to fully reclaim your areas of surface disturbance as a part of your Plan. Please provide an estimate of the total costs associated with final reclamation of your proposed mining operation. This estimate should include the costs associated with regrading and contouring the disturbed ground, spreading stockpiled topsoil, revegetation of disturbed areas, move and de-move of equipment used for reclamation, removal or stabilization of structures and support facilities, etc.

In addition, in your submitted Plan, you fail to indicate whether or not you have flagged the areas proposed for surface disturbance. We are requesting that the perimeter of each area you intend to operate in be flagged so that resource specialists can locate them in the field. Please notify this office when the flagging has been completed.

Please submit the requested information within 60 days of receipt of this letter. If we do not receive the requested information from you, we will close the subject case file. If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Sincerely,



Marcus Nielsen  
Assistant Field Manager  
Nonrenewable Resources

Cc: Ms. Susan M. White  
Utah Division of Oil, Gas and Mining

Utah State Office (UT-923)